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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 BERYL NICOLE FOSTER-HENRY, and
13 DEONNE HENRY, an individually.

14 Plaintiff,

15 v.

16 ARMY AND AIR FORCE EXCHANGE
17 SERVICE; ANDREWS & COMPANY,
18 NJ., LLC, dba ANDREWS & COMPANY,
19 LLC; DEPARTMENT OF DEFENSE;
20 UNITED STATE OF AMERICAN EX REL
21 NELLIS AIR FORCE BASE, UNITED
22 STATE OF AMERICA EX REL
23 DEPARTMENT OF THE AIR FORCE,
24 NELLIS AIR FORCE BASE EXCHANGE;
25 ARMY AND AIR FORCE EXCHANGES
26 SERVICES; ANDREWS AND
27 COMPANY, LLC; DEPARTMENT OF
28 DEFENSE.

Defendants.

CASE NO.: 2:17-cv-01437-RFB-PAL

STIPULATION AND ORDER TO
EXTEND DISCOVERY
(First Request)

Plaintiffs and the United States stipulate to, and request an order approving, an extension of discovery deadlines as, and for the reasons set forth below.¹ This is the first request for an extension of discovery deadlines.

¹ Andrews and Company has been dismissed. *See* ECF No. 12. The United States is the proper defendant in a lawsuit filed under the Federal Tort Claims Act. *See Corey v. McNamara*, 409 F. Supp. 2d 1225, 1228-29 (D. Nev. 2006) (citations omitted), *aff'd*, 265 Fed. Appx. 555, No. 06-15649, 2008 WL 205508 (9th Cir. Jan. 24, 2008).

Without any adverse waiver or admission as to claims, defenses, or positions, the parties advise that this case arises out of an incident on July 1, 2014, in which Plaintiff Beryl Nicole Foster-Henry alleges that she slipped and fell on a slippery substance on the floor of the food court at Nellis Air Force Base.

Discovery Completed

In connection with the Rule 26(f) conference, the parties served their respective initial disclosures of documents and witnesses.

Defendant has been in the process of collecting medical records pursuant to a HIPAA authorization provided by Plaintiff Beryl Nicole Foster-Henry.

Plaintiff Beryl Nicole Foster-Henry served a first set of written discovery requests on January 12, 2018.

Discovery That Remains to be Completed:

Written discovery and depositions remain.

Expert disclosures remain.

Reasons Why Remaining Discovery Was Not Completed, and Otherwise the Good Cause for the Requested Extension:

Defense Counsel will be out of the office for several days in the near future for personal/medical reasons. Defense Counsel would likely need an extension of the deadline for defense expert disclosures (as well as to respond to Plaintiff's written discovery requests). Rather than seeking a unilateral extension after Plaintiff served any expert disclosures (on the existing deadline of January 25, 2018), Defense Counsel recently contacted Plaintiff's Counsel about extending Plaintiff's expert disclosure deadline as well. As a result, this request is submitted more than twenty-one days before every existing deadline except that for Plaintiff's expert disclosures.

Proposed Schedule for Completing Remaining Discovery:

<u>Event:</u>	<u>Extend From:</u>	<u>To:</u>
Plaintiff's Expert Disclosures	January 25, 2018	March 26, 2018
Defendant's Expert Disclosures	February 24, 2018	April 27, 2018

1	Plaintiff's Rebuttal Expert Disclosures	March 26, 2018	May 27, 2018
2	Discovery Cut Off	April 25, 2018	June 24, 2018
3	Dispositive Motions	May 25, 2018	July 24, 2018
4	Joint Pretrial Order	June 24, 2018	August 24, 2018 ²

5 This stipulated request is submitted for the reasons explained above, in good faith, and not
6 for purposes of undue delay.

7 Dated this 24th day of January 2018.

8 **ROBERTS STOFFEL**
9 **FAMILY LAW GROUP**

8 **DAYLE ELIESON**
9 **UNITED STATES ATTORNEY**

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18 **IT IS SO ORDERED.**

19 
20 **UNITED STATES MAGISTRATE JUDGE**

21 **DATED:** February 2, 2018

28 ² However, if dispositive motions are filed, the Joint Pretrial Order will be due thirty days after the rulings on such dispositive motions.